

DATE 4/6/14
88518

VIRGINIA ADVANCE DIRECTIVE FOR HEALTH CARE

I, _____, hereby make known my wishes if I am incapable of making an informed decision about my health care, as follows:

(YOU MAY INCLUDE ANY OR ALL OF THE PROVISIONS IN SECTIONS I AND II BELOW.)

SECTION I: APPOINTMENT AND POWERS OF MY AGENT

[CROSS THROUGH THIS ENTIRE SECTION I IF YOU DO NOT WANT TO APPOINT AN AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU.]

A. Appointment of My Agent

I hereby appoint:

Name of Primary Agent

E-mail Address

Home Address

Telephone Number

as my agent to make health care decisions on my behalf as authorized in this document. If the primary agent named above is not reasonably available or is unable or unwilling to act as my agent, then I appoint as successor agent to serve in that capacity:

Name of Successor Agent

E-mail Address

Home Address

Telephone Number

I grant to my agent full authority to make health care decisions, including decisions about mental health care, on my behalf as described below. My agent shall have this authority whenever and for as long as I have been determined to be incapable of making an informed decision. In making health care decisions on my behalf, I want my agent to follow my desires and preferences as stated in this document or as otherwise known to him or her. If my agent cannot determine what health care choice I would have made on my own behalf, then I want my agent to make a choice for me based upon what he or she believes to be in my best interests. I want my agent and health care providers to use their best efforts to communicate with me about my care and to seek and consider my views and preferences.

B. Powers of My Agent

[IF YOU APPOINTED AN AGENT ABOVE, YOU MAY GIVE HIM/HER THE POWERS LISTED BELOW. YOU MAY CROSS THROUGH ANY POWERS LISTED BELOW THAT YOU DO NOT WANT TO GIVE YOUR AGENT AND ADD ANY ADDITIONAL POWERS YOU DO WANT TO GIVE YOUR AGENT.]

The powers of my agent shall include the following:

1. To consent to or refuse or withdraw consent to any type of health care, including, but not limited to, artificial respiration (breathing machine), artificially administered nutrition (tube feeding) and hydration (IV fluids), and cardiopulmonary resuscitation (CPR). This authorization specifically includes the power to consent to dosages of pain-relieving medication in excess of recommended dosages in an amount sufficient to relieve pain. This applies even if this medication carries the risk of addiction or of inadvertently hastening my death.

C. Special Powers of My Agent to Authorize Health Care Over My Objection

THIS PART OF SECTION I ALLOWS YOU TO AUTHORIZE YOUR HEALTH CARE AGENT TO CONSENT TO TREATMENT RECOMMENDED BY YOUR PHYSICIAN EVEN IF YOU ARE OBJECTING AT THAT TIME BECAUSE OF THE EFFECTS OF MENTAL DISORDER. IF YOU DO NOT WANT TO GIVE YOUR AGENT THIS AUTHORITY, YOU SHOULD SKIP THIS SUBSECTION OR CROSS THROUGH IT. IF YOU DO WANT TO GIVE YOUR AGENT THIS AUTHORITY, YOU SHOULD CHECK AND INITIAL THE BOXES NEXT TO THE SPECIAL POWERS YOU WANT TO GIVE YOUR AGENT. HOWEVER, THESE INSTRUCTIONS WILL NOT BE LEGALLY BINDING UNLESS A PHYSICIAN OR CLINICAL PSYCHOLOGIST CERTIFIES THAT YOU UNDERSTAND THE CONSEQUENCES OF GIVING YOUR AGENT THESE SPECIAL POWERS.]

This subsection includes my instructions about what powers my agent will have if I am incapable of making informed decisions about my health care and I am objecting to health care that my agent and my physician believe I need.

The powers of my agent shall include the following:

☐ ____ 1. To authorize my admission to a health care facility for the treatment of mental illness as permitted by law, even if I object.

☐ ____ 2. To authorize other health care that is permitted by law and that my health care agent and my physician believe I need, even if I object. This would include all health care with the exception of the types of health care I have written in the space below or elsewhere in this document:

I do not authorize my agent to allow the following specific types of health care over my objection:

[TO GIVE YOUR AGENT ANY OF THE POWERS SET FORTH IN THIS SUBSECTION C, A PHYSICIAN OR LICENSED CLINICAL PSYCHOLOGIST WHO KNOWS YOU MUST SIGN THE STATEMENT IN THE BOX BELOW.]

I am a physician or licensed clinical psychologist familiar with the person who has made this advance directive for health care. I attest that he or she is presently capable of making an informed decision and that he or she understands the consequences of the special powers given to his/her agent by this Subsection C of this advance directive.

Physician or Licensed Clinical Psychologist Signature

Date

Physician or Licensed Clinical Psychologist Printed Name and Address

SECTION II: MY HEALTH CARE PREFERENCES AND INSTRUCTIONS

This section of my Advance Directive for Health Care sets forth my preferences and instructions regarding my health care. Any health care agent that I have appointed, and any treatment providers working with me, are directed to provide care consistent with my stated instructions and preferences to the extent possible unless they are medically or ethically inappropriate or are contrary to law. I understand that it is important for me to review and update this document periodically, so that it fairly reflects my condition, my needs, and my values and preferences, and to make sure that my treatment providers and my agent have a copy of my Advance Directive.

[YOU MAY USE ANY OR ALL OF PARTS A-G IN THIS SECTION TO DIRECT YOUR HEALTH CARE EVEN IF YOU DO NOT NAME AN AGENT. IF YOU CHOOSE NOT TO PROVIDE WRITTEN INSTRUCTIONS, HEALTH CARE DECISIONS WILL BE BASED ON YOUR VALUES AND PREFERENCES, IF KNOWN, OR, IF YOUR VALUES AND PREFERENCES ARE NOT KNOWN, ON YOUR BEST INTERESTS. YOU DO NOT NEED TO COMPLETE EVERY PART OF THIS SECTION. JUST SKIP OVER OR CROSS OUT ANY PARTS THAT YOU DO NOT WANT TO FILL OUT.]

A. My Health Conditions and Current Treatments

[THIS PART GIVES YOU AN OPPORTUNITY TO PROVIDE BACKGROUND INFORMATION TO YOUR TREATMENT PROVIDERS. IT INCLUDES NO INSTRUCTIONS. YOU DO NOT HAVE TO FILL IT OUT.]

1. My current diagnosed health condition(s), and important things about my condition that treatment providers should know: _____

2. Symptom(s) that indicate I need prompt medical attention: _____

3. My current medications and dosages: _____

4. Other important information regarding medications (allergies, side effects)

B. Emergency Contacts

In case of health crisis, including admission to a 24-hour mental health facility, I give consent for the following people to be contacted:

Name _____ Relationship to Me _____

Home Address _____

Home Phone _____ Work Phone _____

Name _____ Relationship to Me _____

Home Address _____

Home Phone _____ Work Phone _____

Primary Care Physician _____ Work Phone _____

Other Treatment Provider _____ Work Phone _____

C. Medication

[THIS PART ALLOWS YOU TO STATE YOUR PREFERENCES REGARDING USE OF MEDICATIONS IF YOU BECOME UNABLE TO MAKE INFORMED DECISIONS TO CONSENT OR REFUSE. YOU MAY REFER TO SPECIFIC MEDICATIONS OR CLASSES OF MEDICATIONS.]

1. Medication Preferences.

[YOUR PHYSICIAN IS OBLIGATED TO CONSIDER YOUR PREFERENCES, BUT MUST BASE MEDICATION DECISIONS ON HIS OR HER CLINICAL JUDGMENT ABOUT YOUR TREATMENT NEEDS, AND IS NOT REQUIRED TO FOLLOW INSTRUCTIONS THAT ARE MEDICALLY OR ETHICALLY INAPPROPRIATE.]

I prefer that the following medications or classes or types of medication be tried first in a crisis or emergency:

Medication or class of medications #1: _____

For treatment of the following problem or condition: _____

Reason I prefer this type of medication: _____

Medication or class of medications #2: _____

For treatment of the following problem or condition: _____

Reason I prefer this type of medication: _____

Medication or class of medications #3: _____

For treatment of the following problem or condition: _____

Reason I prefer this type of medication: _____

2. Medication Refusals.

[IN GENERAL, YOUR AGENT CANNOT AUTHORIZE, AND YOUR PHYSICIAN CANNOT ORDER, ADMINISTRATION OF THE MEDICATIONS THAT YOU REFUSE BELOW EXCEPT IN NARROW CIRCUMSTANCES PERMITTED BY LAW, SUCH AS EMERGENCIES.]

I consent, or authorize my agent to consent, to administration of medications my treating physicians deem appropriate, with the exception of the following medications (or their respective brand-name, trade-name, or generic equivalents) or classes of medication which I specifically do not authorize:

Medication or class of medications #1: _____

Reason I refuse this medication: _____

Medication or class of medications #2: _____

Reason I refuse this medication: _____

Medication or class of medications #3: _____

Reason I refuse this medication: _____

3. Additional preferences about medications: _____

D. Mental Health Crisis Intervention

[THIS PART ALLOWS YOU TO PROVIDE INFORMATION ABOUT YOUR CONDITION AND YOUR PREFERENCES TO HELP YOUR AGENT AND TREATMENT PROVIDERS MEET YOUR NEEDS IN A MENTAL HEALTH CRISIS. YOUR HEALTH CARE PROVIDERS WILL CONSIDER YOUR PREFERENCES RELATING TO THE LOCATION AND TYPE OF CARE BUT THEIR ABILITY TO FOLLOW THEM MAY BE LIMITED BY CLINICAL, LEGAL AND ADMINISTRATIVE REQUIREMENTS.]

1. My Past Experience

a. Symptoms I might experience during a period of crisis: _____

b. Interventions that may help me: _____

c. Interventions or other factors that may make things worse: _____

2. Crisis units, inpatient facilities, and hospitals:

a. I prefer to be treated at the following facilities if 24-hour care is required:

because: _____

b. I prefer not to be treated at the following facilities: _____

because: _____

c. Facility staff can help me by doing the following:

3. My preferences regarding behavioral emergency interventions: If I am in immediate danger of harming myself or other people, I prefer that emergency interventions be tried in the following order if they are medically necessary.

[RANK THE CHOICES BELOW IN ORDER OF YOUR PREFERENCE FROM 1 TO 4.]

___ Medication in pill or liquid form

___ Physical Restraint

___ Medication by Injection

___ Seclusion

Reasons for my preferred order: _____

E. Other Health Care Instructions

1. In General

2. Visitation

a. I give permission for the following people to visit me in the hospital or crisis unit:

b. I do not give permission for the following people to visit me in the hospital or crisis unit:

3. Electroconvulsive Therapy

[CHECK ONE BOX AND INITIAL EITHER A or B]:

☐ ____ A. I do not consent to the administration of electroconvulsive therapy.

OR

☐ ____ B. I authorize my agent to consent to the administration of electroconvulsive therapy if clinically indicated.

4. Sharing of Information

I understand that the information in this document may be shared by my mental health treatment provider with any other mental health treatment provider who may serve me when necessary to provide treatment in accordance with this advance instruction. Other instructions about sharing of information are as follows:

F. Life Management Preferences.

[WHEN A PERSON IS HOSPITALIZED WITHOUT AN OPPORTUNITY TO MAKE SPECIFIC PLANS BEFOREHAND, MANY PROBLEMS CAN ARISE. THIS SUBSECTION ALLOWS YOU TO EXPRESS YOUR WISHES IF YOU HAVE NOT DONE SO ELSEWHERE. ALTHOUGH EXPRESSING YOUR WISHES COULD BE VERY USEFUL, THESE STATEMENTS DO NOT NECESSARILY HAVE ANY LEGAL EFFECT.]

☐ ____ I am not completing this section because I already have a crisis plan.

1. If I am hospitalized, I would like for the following tasks to be carried out at my home:

2. If I am hospitalized, I would like the following tasks to be carried out in regard to my job and other outside activities and responsibilities:

3. If I am unable to care for my child(ren), the following person is my first choice to care for them:

Name	Relationship to Me
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Home Address

Phone (Day)	Phone (Evening)
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G. Life-Prolonging Treatment

[THIS SUBSECTION OF THE ADVANCE DIRECTIVE ALLOWS YOU TO EXPRESS YOUR PREFERENCES OR INSTRUCTIONS ABOUT YOUR HEALTH CARE IF YOUR DEATH IS IMMINENT (VERY SOON) OR YOUR BRAIN BECOMES SEVERELY AND PERMANENTLY DAMAGED. YOU DO NOT HAVE TO MAKE ANY SPECIFIC DECISIONS ABOUT THESE ISSUES. IF YOU HAVE APPOINTED A HEALTH CARE AGENT, HE OR SHE CAN MAKE SPECIFIC DECISIONS FOR YOU AT THE APPROPRIATE TIME. IF YOU ARE NOT SURE ABOUT YOUR PREFERENCES, DISCUSS YOUR FEELINGS AND THOUGHTS WITH YOUR HEALTH CARE AGENT, YOUR DOCTORS AND/OR OTHER PEOPLE WHO CARE ABOUT YOU.]

1. I provide the following instructions if my attending physician determines that my death is imminent (very close) and medical treatment will not help me recover:

[CHECK ONLY 1 BOX AND INITIAL ON THE ACCOMPANYING LINE.]

☐ I do not want any treatments to prolong my life. This includes tube feeding, IV fluids, cardiopulmonary resuscitation (CPR), ventilator/respirator (breathing machine), kidney dialysis or antibiotics. I understand that I still will receive treatment to relieve pain and make me comfortable. (OR)

☐ I want all treatments to prolong my life as long as possible within the limits of generally accepted health care standards. I understand that I will receive treatment to relieve pain and make me comfortable. (OR)

☐ *[YOU MAY WRITE HERE YOUR OWN PREFERENCES AND INSTRUCTIONS ABOUT YOUR CARE WHEN YOU ARE DYING, INCLUDING SPECIFIC INSTRUCTIONS ABOUT TREATMENTS THAT YOU DO WANT, IF MEDICALLY APPROPRIATE, OR DON'T WANT. IT IS IMPORTANT THAT ANY INSTRUCTIONS YOU GIVE HERE DO NOT CONFLICT WITH OTHER INSTRUCTIONS YOU HAVE GIVEN IN THIS ADVANCE DIRECTIVE.]*

2. I provide the following instructions if my condition makes me unaware of myself or my surroundings or unable to interact with others, and it is reasonably certain that I will never recover this awareness or ability even with medical treatment.

[CHECK ONLY 1 BOX AND INITIAL ON THE ACCOMPANYING LINE.]

☐ I do not want any treatments to prolong my life. This includes tube feeding, IV fluids, cardiopulmonary resuscitation (CPR), ventilator/respirator (breathing machine), kidney dialysis or antibiotics. I understand that I still will receive treatment to relieve pain and make me comfortable. (OR)

☐ I want all treatments to prolong my life as long as possible within the limits of generally accepted health care standards. I understand that I will receive treatment to relieve pain and make me comfortable. (OR)

☐ I want to try treatments for a period of time in the hope of some improvement of my condition. I suggest _____ as the period of time after which such treatment should be stopped if my condition has not improved. Any agent or surrogate may specify the exact time period in consultation with my physician. I understand that I still will receive treatment to relieve pain and make me comfortable. (OR)

☐ [YOU MAY WRITE HERE YOUR PREFERENCES AND INSTRUCTIONS ABOUT YOUR CARE WHEN YOU ARE UNABLE TO INTERACT WITH OTHERS AND ARE NOT EXPECTED TO RECOVER THIS ABILITY. THIS INCLUDES SPECIFIC INSTRUCTIONS ABOUT TREATMENTS YOU DO WANT, IF MEDICALLY APPROPRIATE, OR DO NOT WANT. IT IS IMPORTANT THAT ANY INSTRUCTIONS YOU GIVE HERE DO NOT CONFLICT WITH OTHER INSTRUCTIONS YOU HAVE GIVEN IN THIS ADVANCE DIRECTIVE.]

AFFIRMATION AND RIGHT TO REVOKE: By signing below, I indicate that I understand this document and that I am willingly and voluntarily executing it. I also understand that I may revoke all or any part of it at any time as provided by law.

Date

Signature of Declarant

The declarant signed the foregoing advance directive in my presence. [TWO ADULT WITNESSES NEEDED]

Witness Signature

Witness Printed

Witness Signature

Witness Printed

This form satisfies the requirements of Virginia's Health Care Decisions Act. If you have legal questions about this form or would like to develop a different form to meet your particular needs, you should talk with an attorney. It is your responsibility to provide a copy of your advance medical directive to your treating physician. You also should provide copies to your agent, close relatives and/or friends.

ATTACHMENT TO ADVANCE DIRECTIVE FOR HEALTH CARE

I, _____, make this Attachment a part of my Advance Directive for Health Care, dated _____. If there is any conflict between this Attachment and the Advance Directive document of which it is a part, this Attachment shall control:
[YOU CAN SCRATCH THROUGH OR LEAVE BLANK ANY SECTION OR STATEMENT YOU DO NOT WANT TO USE.]

I. Special Powers of My Agent to Authorize Health Care Over My Objection

[THIS ALLOWS YOU TO AUTHORIZE YOUR HEALTH CARE AGENT TO CONSENT TO TREATMENT RECOMMENDED BY YOUR PHYSICIAN EVEN IF YOU ARE OBJECTING AT THAT TIME BECAUSE OF THE EFFECTS OF MENTAL DISORDER. IF YOU DO NOT WANT TO GIVE YOUR AGENT THIS AUTHORITY, YOU SHOULD SKIP THIS SECTION OR CROSS THROUGH IT. IF YOU DO WANT TO GIVE YOUR AGENT THIS AUTHORITY, YOU SHOULD CHECK AND INITIAL THE BOXES NEXT TO THE SPECIAL POWERS YOU WANT TO GIVE YOUR AGENT. HOWEVER, THESE INSTRUCTIONS WILL NOT BE LEGALLY BINDING UNLESS A PHYSICIAN OR CLINICAL PSYCHOLOGIST CERTIFIES, IN THE SPACE PROVIDED BELOW, THAT YOU UNDERSTAND THE CONSEQUENCES OF GIVING YOUR AGENT THESE POWERS.]

This section includes my instructions about what powers my agent will have if I am incapable of making informed decisions about my health care and I am objecting to health care that my agent and my physician believe I need.

The powers of my agent shall include the following:

☐ _____ 1. To authorize my admission to a health care facility for the treatment of mental illness as permitted by law, even if I object.

☐ _____ 2. To authorize other health care that is permitted by law and that my health care agent and my physician believe I need, even if I object. This would include all health care with the exception of the types of health care I have written in the space below or elsewhere in this document:

I do **not** authorize my agent to allow the following specific types of health care over my objection:

[TO GIVE YOUR AGENT ANY OF THE POWERS SET FORTH IN THIS SECTION I, A PHYSICIAN OR LICENSED CLINICAL PSYCHOLOGIST WHO KNOWS YOU MUST SIGN THE STATEMENT BELOW.]

I am a physician or licensed clinical psychologist familiar with the person who has made this advance directive for health care. I attest that this person: (1) is presently capable of making an informed decision and (2) understands the consequences of the special powers given to this person's agent in Section I of this Attachment, as set out above.

Physician or Licensed Clinical Psychologist Signature

Date

Physician or Licensed Clinical Psychologist Printed Name and Address

II. Anatomical Gifts [IF YOU GAVE YOUR AGENT THE AUTHORITY TO MAKE ALL DECISIONS ABOUT ANATOMICAL GIFTS IN YOUR ADVANCE DIRECTIVE, THIS SECTION LETS YOU GIVE YOUR AGENT SPECIFIC INSTRUCTIONS TO FOLLOW IN MAKING THOSE GIFTS. YOU CAN SCRATCH THROUGH THIS SECTION OR LEAVE IT BLANK IF YOU DO NOT WANT TO GIVE INSTRUCTIONS TO YOUR AGENT.]

☐ _____ I direct that, upon my death, my agent make anatomical gifts from my body as follows, for transplant to other patients, and/or for research or education:

☐ _____ any needed organs ☐ _____ tissues such as skin or bones ☐ _____ corneas from the eyes

OR

☐ _____ I direct, that upon my death, my entire body be donated for research, education or transplantation

Additional/other instructions: _____

Signature of Declarant
[TWO ADULT WITNESSES NEEDED]

Date

Witness Signature

Witness Printed

Witness Signature

Witness Printed

From "Advance Directives in Virginia,"

[http://www.advancedirective.org/Agent Powers.html](http://www.advancedirective.org/Agent_Powers.html)

Authorizing Future Treatment Over Your Protest - The "Ulysses Clause"

What happens if you make an advance directive, but then, when you do become incapable of making an informed decision about your care, you *protest* the care being provided, *even though that care is consistent with what you set out in your advance directive*? It is possible, especially in cases involving dementia and mental illness, that the person's incapacity also results in the person objecting to the care that he or she had wanted when *not* incapacitated. Virginia law now allows you to authorize your agent to give consent to care, consistent with whatever directions you set out in your advance directive, *even if you protest that care after you become incapacitated*. This provision is often referred to as a "Ulysses Clause". (For Wikipedia's explanation of the origins of the term "Ulysses Clause", "Ulysses Pact", click [HERE](#).)

You can give your agent this authority to act despite your protest in regard to your physical care and/or in regard to your mental health care. (As will be explained in a later section, "Protesting Care", this authority of the agent does not extend to end-of-life care decisions: your protest will always be honored in regard to decisions on end-of-life care. (See also Section 54.1-2986.2.))

Special Note: Because this authority is so significant, you must have your treating physician or licensed clinical psychologist sign a statement, set out in the advance directive, that you have the capacity to make this decision to let your agent authorize treatment over your possible future protest and that you understand the consequences of this.